



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**FINAL TITLE V PERMIT TO OPERATE**

**Permit No. NN-OP 00-01**

In accordance with the provisions of Title V of the Clean Air Act and 40 C.F.R. Part 71 and applicable rules and regulations,

Navajo Generating Station  
Page, AZ

is authorized to operate air emission units and to conduct other air pollutant emitting activities in accordance with the permit conditions listed in this permit. Terms and conditions not otherwise defined in this permit have the meaning assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable by EPA and citizens under the Clean Air Act.

If all proposed control measures and/or equipment are not installed and properly operated and maintained, this will be considered a violation of the permit.

This permit is valid for a period of five (5) years and shall expire at midnight on the date 5 years after the date of issuance unless a timely and complete renewal application has been submitted at least 6 months but not more than 18 months prior to the date of expiration. The permit number cited above should be referenced in future correspondence regarding this facility.

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Date

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Laura Yoshii  
Acting Regional Administrator  
EPA Region IX

## Abbreviations and Acronyms

AFS	AIRS Facility Subsystem
AIRS	Aerometric Information Retrieval System
AR	Acid Rain
ARP	Acid Rain Program
CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CAM	Compliance Assurance Monitoring
CFR	Code of Federal Regulations
EIP	Economic Incentives Program
gal	gallon
HAP	Hazardous Air Pollutant
hr	hour
Id. No.	Identification Number
ISO	International Organization for Standardization
J	joule
kg	kilogram
lb	pound
MACT	Maximum Achievable Control Technology
MVAC	Motor Vehicle Air Conditioner
Mg	megagram
MMBtu	million British Thermal Units
mo	month
NESHAP	National Emission Standards for Hazardous Air Pollutants
NO <sub>x</sub>	Nitrogen Oxides
NSPS	New Source Performance Standards
NSR	New Source Review
PM	Particulate Matter
PM-10	Particulate matter less than 10 microns in diameter
ppm	parts per million
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
psia	pounds per square inch absolute
RMP	Risk Management Plan
SNAP	Significant New Alternatives Program
SO <sub>2</sub>	Sulfur Dioxide
TSP	Total Suspended Particulate
US EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds

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### **Attachment A**

U.S. EPA Phase II Acid Rain Permit

## I. Source Identification

Parent Company name: Salt River Project Agricultural Improvement and Power District (SRP)\*

Parent Company Mailing Address: P.O. Box 52025, PAB 352

City: Phoenix                      State: AZ                      Zip: 85072-2025

\* Note: This facility is co-owned by 6 entities. SRP is listed as the parent company in this permit since they act as the facility operator, and have accepted the responsibility to obtain environmental permits for Navajo Generating Station, including an Acid Rain permit and this Part 71 Operating Permit. In addition to SRP, the other 5 co-owners of this facility are:

1. Los Angeles Department of Water and Power (LADWP)
2. Arizona Public Service Company (APS)
3. Tuscon Electric Power Company (TEP)
4. Nevada Power Company (NPC)
5. U.S. Bureau of Reclamation (USBR)

Plant Name: Navajo Generating Station

Plant Location: 5 miles east of Page, AZ, off U.S. Highway 98

City: Page                      State: AZ

County: Coconino

EPA Region: 9

Reservation: Navajo Nation                      Tribe: Navajo

Company Contact: Charles D. Brumback                      Phone: (520) 645-6217

Responsible Official: Charles D. Brumback                      Phone: (520) 645-6217

Tribal Contact: Wilson Laughter                      Phone: (520) 729-4157

SIC Code: 4911

AFS Plant Identification Number: 04-005-N0423

Description of Process: Electricity generation using coal as the primary fuel and oil as a startup fuel

## **II. Requirements for Specific Units**

### **II.A. Acid Rain Requirements**

#### **1. Permit Requirements [40 CFR parts 72, 73, and 75; Phase II Acid Rain Permit]**

- a. The designated representative of each affected source and each affected unit at the source shall:
  - i. Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30; and
  - ii. Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit;
- b. The owners and operators of each affected source and each affected unit at the source shall:
  - i. Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and
  - ii. Have an Acid Rain Permit.

#### **2. Monitoring Requirements [40 CFR parts 72, 73, and 75; Phase II Acid Rain Permit]**

- a. The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75.
- b. The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
- c. The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

#### **3. Sulfur Dioxide Requirements [40 CFR parts 72, 73, and 75; Phase II Acid Rain Permit]**

- a. The following table contains the Acid Rain SO<sub>2</sub> allowances allocated to this facility in the years 2000, 2001, and 2002.

Unit	SO <sub>2</sub> Allowances in Tons Per Year		
	2000	2001	2002
1	26,211	26,211	26,211
2	24,254	24,254	24,254
3	25,034	25,034	25,034

- b. The owners and operators of each source and each affected unit at the source shall:
- Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c)) not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and
  - Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
- c. Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
- d. An affected unit shall be subject to the sulfur dioxide requirements of Condition II.A.3.b of this permit as follows:
- Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or
  - Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).
- e. Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
- f. An allowance shall not be deducted in order to comply with the requirements under Condition II.A.3.b of this permit prior to the calendar year for which the allowance was allocated.

- g. An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7, 72.8, or 72.14 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
- h. An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

**4. Excess Emissions Requirements** [40 CFR parts 72, 73, 75 and 77; Phase II Acid Rain Permit]

- a. The designated representative of an affected unit that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.
- b. The owners and operators of an affected unit that has excess emissions in any calendar year shall:
  - i. Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
  - ii. Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

**5. Recordkeeping and Reporting Requirements** [40 CFR parts 72, 73, and 75; Phase II Acid Rain Permit]

- a. Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:
  - i. The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;

- ii. All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
  - iii. Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and
  - iv. Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
- b. The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

**6. Liability** [40 CFR parts 72, 73, and 75; Phase II Acid Rain Permit]

- a. Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7, 72.8, or 72.14, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
- b. Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
- c. No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- d. Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.
- e. Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.
- f. Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans) and 40 CFR 76.11 (NO<sub>x</sub> averaging plans), and except with regard to the requirements



applicable to units with a common stack under 40 CFR part 75 (including 40 CFR 75.16, 75.17, and 75.18), the owners and operators and the designated representative of one affected unit shall not be liable for any violation by any other affected unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.

- g. Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

**7. Effect on Other Authorities** [40 CFR parts 72, 73, and 75; Phase II Acid Rain Permit]

- a. No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7, 72.8, or 72.14 shall be construed as:
  - i. Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
  - ii. Limiting the number of allowances a unit can hold; *provided*, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Act;
  - iii. Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;
  - iv. Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,
  - v. Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

**8. NO<sub>x</sub> Compliance Plan** [40 CFR parts 72, 73, 75 and 76; Phase II Acid Rain Permit]

- a. Pursuant to 40 CFR 76.8(d)(2), U.S. EPA has approved a NO<sub>x</sub> early election

compliance plan for units 1, 2, and 3, effective for calendar years 2000 through 2007. Under the compliance plan, the annual average NO<sub>x</sub> emission rate from each of these units for each year, determined in accordance with 40 CFR part 75, shall not exceed the applicable emission limitation, under 40 CFR 76.5(a)(1), of 0.45 lb/mmBtu. If each of these units is in compliance with its applicable emission limitation for each year of the plan, then these units shall not be subject to the applicable emission limitation, under 40 CFR 76.7(a)(1), of 0.40 lb/mmBtu, until calendar year 2008.

- b. In addition to the NO<sub>x</sub> compliance plan described in Condition II.A.8.a of this permit, units 1, 2, and 3 shall comply with all other applicable requirements of 40 CFR part 76, including the duty to reapply for a NO<sub>x</sub> compliance plan and requirements covering excess emissions.
- c. The owners and operators of a unit governed by an approved early election plan shall be liable for any violation of the plan or 40 CFR 76.8 at that unit. The owners and operators shall be liable, beginning January 1, 2000, for fulfilling the obligations specified in 40 CFR Part 77.
- d. An approved early election plan shall be in effect only until the earlier of January 1, 2008 or January 1 of the calendar year for which a termination of the plan takes effect. If the designated representative of the unit under an approved early election plan fails to demonstrate compliance with the applicable emissions limitation under 40 CFR 76.5 for any year during the period beginning January 1 of the first year the early election takes effect and ending December 31, 2007, the permitting authority will terminate the plan. The termination will take effect beginning January 1 of the year after the year for which there is a failure to demonstrate compliance, and the designated representative may not submit a new early election plan. The designated representative of the unit under an approved early election plan may terminate the plan any year prior to 2008 but may not submit a new early election plan. In order to terminate the plan, the designated representative must submit a notice under 40 CFR 72.40(d) by January 1 of the year for which the termination is to take effect. If an early election plan is terminated on or after the year 2000, the unit shall meet, beginning on the effective date of the termination, the applicable emissions limitation for NO<sub>x</sub> for Phase II units with Group 1 boilers under 40 CFR 76.7.

## **II.B. Visibility Federal Implementation Plan Requirements [40 C.F.R. 52.145(d)]**

- 1. **Definitions.** The following definitions apply to section II.B of this permit [40 C.F.R. 52.145(d)(1)]:

- a. “Administrator” means the Administrator of EPA or his/her designee.
  - b. “Affected Unit(s)” means the steam-generating unit(s) at the Navajo Generating Station, all of which are subject to the emission limitation in section II.B.2 of this permit, that has accumulated at least 365 boiler operating days since the passage of the date defined in section II.B.6 of this permit.
  - c. “Boiler Operating Day” for each of the boiler units at the Navajo Generating Station is defined as a 24-hour calendar day (the period of time between 12:01 a.m. and 12:00 midnight in Page, Arizona) during which coal is combusted in that unit for the entire 24 hours.
  - d. “Owner or Operator” means the owner, participant in, or operator of the Navajo Generating Station to which this paragraph is applicable.
  - e. “Unit-Week of Maintenance” means a period of 7 days during which a fossil fuel-fired steam-generating unit is under repair, and no coal is combusted in the unit.
2. **Emission limitation.** No owner or operator shall discharge or cause the discharge of sulfur oxides into the atmosphere in excess of 42 ng/J [0.10 pound per million British thermal units (lb/MMBtu)] heat input. [40 C.F.R. 52.145(d)(2)]
3. **Compliance determination.** Compliance with the emission limit in Condition II.B.2 of this permit shall be determined daily on a plant-wide rolling annual basis as follows [40 C.F.R. 52.145(d)(3)]:
- a. For each boiler operating day at each steam generating unit subject to the emission limitation in Condition II.B.2 of this permit, the owner or operator shall record the unit’s hourly SO<sub>2</sub> emissions using the data from the continuous emission monitoring systems, required in Condition II.B.4 of this permit and the daily electric energy generated by the unit (in megawatt-hours) as measured by the megawatt-hour meter for the unit.
  - b. Compute the average daily SO<sub>2</sub> emission rate in ng/J (lb/MMBtu) following the procedures set out in Method 19, appendix A, 40 CFR part 60 in effect on October 3, 1991.
  - c. For each boiler operating day for each affected unit, calculate the product of the daily SO<sub>2</sub> emission rate (computed according to Condition II.B.3.b of this permit) and the daily electric energy generated (recorded according to Condition II.B.3.a of this permit) for each unit.
  - d. For each affected unit, identify the previous 365 boiler operating days to be used

in the compliance determination. Except as provided in Conditions II.B.7 and II.B.8 of this permit, all of the immediately preceding 365 boiler operating days will be used for compliance determinations.

- e. Sum, for all affected units, the products of the daily SO<sub>2</sub> emission rate-electric energy generated (as calculated according to Condition II.B.3.c of this permit) for the boiler operating days identified in Condition II.B.3.d of this permit.
  - f. Sum, for all affected units, the daily electric energy generated (recorded according to Condition II.B.3.a of this permit) for the boiler operating days identified in Condition II.B.3.d of this permit.
  - g. Calculate the weighted plant-wide annual average SO<sub>2</sub> emission rate by dividing the sum of the products determined according to Condition II.B.3.e of this permit by the sum of the electric energy generated determined according to Condition II.B.3.f of this permit.
  - h. The weighted plant-wide annual average SO<sub>2</sub> emission rate shall be used to determine compliance with the emission limitation in Condition II.B.2 of this permit.
4. **Continuous emission monitoring.** The owner or operator shall install, maintain, and operate continuous emission monitoring systems to determine compliance with the emission limitation in Condition II.B.2 of this permit as calculated in Condition II.B.3 of this permit. This equipment shall meet the specifications in appendix B of 40 CFR part 60 in effect on October 3, 1991. The owner or operator shall comply with the quality assurance procedures for continuous emission monitoring systems found in appendix F of 40 CFR part 60 in effect on October 3, 1991. [40 C.F.R. 52.145(d)(4)]
5. **Reporting requirements.** For each steam generating unit subject to the emission limitation in Condition II.B.2 of this permit, the owner or operator [40 C.F.R. 52.145(d)(5)]:
- a. Shall furnish the Administrator written notification, on a quarterly basis, of emissions SO<sub>2</sub>, and either oxygen or carbon dioxide, according to the procedures found in 40 CFR § 60.7 in effect on October 3, 1991.
  - b. Shall furnish the Administrator written notification of the daily electric energy generated in megawatt-hours.
  - c. Shall maintain records according to the procedures in 40 CFR 60.7 in effect on October 3, 1991.
  - d. Shall notify the Administrator by telephone, or in writing, or electronic mail sent

to r9.aeo@epa.gov, within one business day of any outage of the control system needed for compliance with the emission limitation in Condition II.B.2 of this permit and shall submit a follow-up written report within 30 days of the repairs stating how the repairs were accomplished and justifying the amount of time taken for the repairs.

6. **Compliance dates.** The requirements of section II.B of this permit shall be applicable to all units at this facility beginning on August 19, 1999. [40 C.F.R. 52.145(d)(6)]
7. **Exclusion for catastrophic failure.** In addition to the exclusion of periods allowed in Condition II.B.7 of this permit, any periods of emissions from an affected unit for which the Administrator finds that the control equipment or system for such unit is out of service because of catastrophic failure of the control system which occurred for reasons beyond the control of the owner or operators and could not have been prevented by good engineering practices will be excluded from the compliance determination. Events which are the consequence of lack of appropriate maintenance or of intentional or negligent conduct or omissions of the owner or operators or the control system design, construction, or operating contractors do not constitute catastrophic failure. [40 C.F.R. 52.145(d)(10)]
8. **Equipment operation.** The owner or operator shall optimally operate all equipment or systems needed to comply with the requirements of this paragraph consistent with good engineering practices to keep emissions at or below the emission limitation in Condition II.B.2 of this permit, and following outages of any control equipment or systems the control equipment or system will be returned to full operation as expeditiously as practicable. [40 C.F.R. 52.145(d)(11)]
9. **Maintenance scheduling.** On March 16 of each year starting in 1993, the owner or operator shall prepare and submit to the Administrator a long-term maintenance plan for the Navajo Generating Station which accommodates the maintenance requirements for the other generating facilities on the Navajo Generating Station grid covering the period from March 16 to March 15 of the next year and showing at least 6 unit-weeks of maintenance for the Navajo Generating Station during the November 1 to March 15 period, except as provided in Condition II.B.11 of this permit. This plan shall be developed consistent with the criteria established by the Western States Coordinating Council of the North American Electric Reliability Council to ensure an adequate reserve margin of electric generating capacity. At the time that a plan is transmitted to the Administrator, the owner or operator shall notify the Administrator in writing if less than the full scheduled unit-weeks of maintenance were conducted for the period covered by the previous plan and shall furnish a written report stating how that year qualified for one of the exceptions identified in Condition II.B.11 of this permit. [40 C.F.R. 52.145(d)(12)]
10. **Exceptions for maintenance scheduling.** The owner or operator shall conduct a full 6 unit-weeks of maintenance in accordance with the plan required in Condition II.B.10 of

this permit unless the owner or operator can demonstrate to the satisfaction of the Administrator that a full 6 unit-weeks of maintenance during the November 1 to March 15 period should not be required because of the following [40 C.F.R. 52.145(d)(13)]:

- a. There is no need for 6 unit-weeks of scheduled periodic maintenance in the year covered by the plan;
- b. The reserve margin on any electrical system served by the Navajo Generating Station would fall to an inadequate level, as defined by the criteria referred to in Condition II.B.10 of this permit.
- c. The cost of compliance with this requirement would be excessive. The cost of compliance would be excessive when the economic savings to the owner or operator of moving maintenance out of the November 1 to March 15 period exceeds \$50,000 per unit-day of maintenance moved.
- d. A major forced outage at a unit occurs outside of the November 1 to March 15 period, and necessary periodic maintenance occurs during the period of forced outage. If the Administrator determines that a full 6 unit-weeks of maintenance during the November 1 to March 15 period should not be required, the owner or operator shall nevertheless conduct that amount of scheduled maintenance that is not precluded by the Administrator. Generally, the owner or operator shall make best efforts to conduct as much scheduled maintenance as practicable during the November 1 to March 15 period.

## **II.C. Operational Flexibility**

### **1. 502(b)(10) Changes [40 CFR § 71.6(a)(13)(i)]**

- (a) The permittee is allowed to make a limited class of changes under Section 502(b)(10) of the Clean Air Act within this permitted facility that contravene the specific terms of this permit without applying for a permit revision, provided the changes do not exceed the emissions allowable under this permit (whether expressed therein as a rate of emissions or in terms of total emissions) and are not Title I modifications. This class of changes does not include:
  - (i) Changes that would violate applicable requirements; or
  - (ii) Changes that would contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.
- (b) The permittee is required to send a notice to EPA at least 7 days in advance of any change made under this provision. The notice must describe the change,

when it will occur and any change in emissions, and identify any permit terms or conditions made inapplicable as a result of the change. The permittee shall attach each notice to its copy of this permit.

- (c) Any permit shield provided in this permit does not apply to changes made under this provision.

### **III. Facility-Wide or Generic Permit Requirements**

Conditions in this section of the permit (Section III) apply to all emissions units located at the facility. [See § 71.6(a)(1)]

#### **III.A. Testing Requirements [40 CFR § 71.6(a)(3)]**

In addition to the unit specific testing requirements derived from the applicable requirements for each individual unit contained in Section II of this permit, the permittee shall comply with the following generally applicable testing requirements as necessary to ensure that the required tests are sufficient for compliance purposes:

1. Submit to EPA a source test plan 30 days prior to any required testing. The source test plan shall include and address the following elements:
  - 1.0 Purpose of the test
  - 2.0 Source Description and Mode of Operation During Test
  - 3.0 Scope of Work Planned for Test
  - 4.0 Schedule/Dates
  - 5.0 Process Data to be Collected During Test
  - 6.0 Sampling and Analysis Procedures
    - 6.1 Sampling Locations
    - 6.2 Test Methods
    - 6.3 Analysis Procedures and Laboratory Identification
  - 7.0 Quality Assurance Plan
    - 7.1 Calibration Procedures and Frequency
    - 7.2 Sample Recovery and Field Documentation
    - 7.3 Chain of Custody Procedures
    - 7.4 QA/QC Project Flow Chart
  - 8.0 Data Processing and Reporting
    - 8.1 Description of Data Handling and QC Procedures
    - 8.2 Report Content
2. Unless otherwise specified by an applicable requirement or permit condition in Section II, all source tests shall be performed at maximum operating rates (90% to

110%) of device design capacity).

3. Only regular operating staff may adjust the processes or emission control device parameters during a compliance source test. No adjustments are to be made within two (2) hours of the start of the tests. Any operating adjustments made during a source test, that are a result of consultation during the tests with source testing personnel, equipment vendors, or consultants, may render the source test invalid.
4. During each test run and for two (2) hours prior to the test and two (2) hours after the completion of the test, the permittee shall record the following information:
  - a. Fuel characteristics and/or amount of product processed (if applicable).
  - b. Visible emissions.
  - c. All parametric data which is required to be monitored in Section II for the emission unit being tested.
  - d. Other source specific data identified in Section II such as minimum test length (e.g., one hour, 8 hours, 24 hours, etc.), minimum sample volume, other operating conditions to be monitored, correction of O<sub>2</sub>, etc.
5. Each source test shall consist of at least three (3) valid test runs and the emission results shall be reported as the arithmetic average of all valid test runs and in the terms of the emission limit. There must be at least 3 valid test runs, unless otherwise specified.
6. Source test reports shall be submitted to EPA within 60 days of completing any required source test.

### **III.B. Recordkeeping Requirements [40 CFR § 71.6 (a)(3)(ii)]**

In addition to the unit specific recordkeeping requirements derived from the applicable requirements for each individual unit and contained in Section II, the permittee shall comply with the following generally applicable recordkeeping requirements:

1. The permittee shall keep records of required monitoring information that include the following:
  - a. The date, place, and time of sampling or measurements;
  - b. The date(s) analyses were performed;
  - c. The company or entity that performed the analyses;



- d. The analytical techniques or methods used;
  - e. The results of such analyses; and
  - f. The operating conditions as existing at the time of sampling or measurement.
2. The permittee shall retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.

### **III.C. Reporting Requirements [40 CFR § 71.6 (a)(3)(iii)]**

1. The permittee shall submit to EPA Region 9 reports of any monitoring required under § 71.6(a)(3)(i)(A), (B), or (C) each six month reporting period from January 1 to June 30 and from July 1 to December 31, except that the first reporting period shall begin on the effective date of this permit and end on June 30, 2001. All reports shall be submitted to EPA and shall be postmarked by the 30th day following the end of the reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with condition IV.E.
- a. A monitoring report under this section must include the following:
- (1) The company name and address,
  - (2) The beginning and ending dates of the reporting period,
  - (3) The emissions unit or activity being monitored
  - (4) The emissions limitation or standard, including operational requirements and limitations (such as parameter ranges), specified in the permit for which compliance is being monitored.
  - (5) All instances of deviations from permit requirements, including those attributable to upset conditions as defined in the permit and including exceedances as defined under 40 CFR part 64, and the date on which each deviation occurred.
  - (6) If the permit requires continuous monitoring of an emissions limit or parameter range, the report must include the total operating time

of the emissions unit during the reporting period, the total duration of excess emissions or parameter exceedances during the reporting period, and the total downtime of the continuous monitoring system during the reporting period.

- (7) If the permit requires periodic monitoring, visual observations, work practice checks, or similar monitoring, the report shall include the total time when such monitoring was not performed during the reporting period and at the source's discretion either the total duration of deviations indicated by such monitoring or the actual records of deviations.
  - (8) All other monitoring results, data, or analyses required to be reported by the applicable requirement.
  - (9) The name, title, and signature of the responsible official who is certifying to the truth, accuracy, and completeness of the report.
- b. Any report required by an applicable requirement that provides the same information described in paragraph III.C.1.a(1) through (9) above shall satisfy the requirement under III.C.1.a.
- c. "Deviation," means any situation in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation. A deviation can be determined by observation or through review of data obtained from any testing, monitoring, or record keeping established in accordance with § 71.6(a)(3)(i) and (a)(3)(ii). For a situation lasting more than 24 hours, each 24-hour period is considered a separate deviation. Included in the meaning of deviation are any of the following:
  - (1) A situation when emissions exceed an emission limitation or standard;
  - (2) A situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met;
  - (3) A situation in which observations or data collected demonstrate noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit.
  - (4) A situation in which an exceedance, as defined in the compliance assurance plan (40 CFR Part 64), occurs.

2. The permittee shall promptly report to the EPA Regional Office deviations from permit or start-up, shut-down malfunction plan requirements, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. “Prompt” is defined as follows:
  - a. Any definition of “prompt” or a specific timeframe for reporting deviations provided in an underlying applicable requirement as identified in this permit;
  - b. Where the underlying applicable requirement does not define prompt or provide a timeframe for reporting deviations, reports of deviations will be submitted based on the following schedule:
    - (1) For emissions of a hazardous air pollutant or a toxic air pollutant(as identified in the applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.
    - (2) For emissions of any regulated pollutant excluding a hazardous air pollutant or a toxic air pollutant that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.
    - (3) For all other deviations from permit requirements, the report shall be submitted with the semi-annual monitoring report required in paragraph III.B.1 of this permit.
3. If any of the conditions in III.C.2.b of this permit are met, the source must notify the permitting authority by telephone, facsimile, or electronic mail sent to [r9.aeo@epa.gov](mailto:r9.aeo@epa.gov), based on the timetable listed. A written notice, certified consistent with paragraph III.C.4 of this permit section must be submitted within 10 working days of the occurrence. All deviations reported under this section must also be identified in the 6-month report required under paragraph III.C.1 of this section.
4. Any application form, report, or compliance certification required to be submitted by this permit shall contain certification by a responsible official of truth, accuracy, and completeness. All certifications shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

### **III.D. Stratospheric Ozone and Climate Protection [40 CFR Part 82]**

1. The permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
  - a. All containers in which a class I or class II substance is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to 40 CFR §82.106.
  - b. The placement of the required warning statement must comply with the requirements pursuant to 40 CFR §82.108.
  - c. The form of the label bearing the required warning statement must comply with the requirements pursuant to 40 CFR §82.110.
  - d. No person may modify, remove, or interfere with the required warning statement except as described in 40 CFR §82.112.
2. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVACs) in Subpart B:
  - a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR §82.156.
  - b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR §82.158.
  - c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR §82.161.
  - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with recordkeeping requirements pursuant to 40 CFR §82.166. ("MVAC-like appliance" as defined at 40 CFR §82.152)
  - e. Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to 40 CFR §82.156.
  - f. Owners/operators of appliances normally containing 50 or more pounds of

refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR §82.166.

3. If the permittee manufactures, transforms, destroys, imports, or exports a class I or class II substance, the permittee is subject to all the requirements as specified in 40 CFR part 82, Subpart A, Production and Consumption Controls.
4. If the permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the MVAC, the permittee is subject to all the applicable requirements as specified in 40 CFR part 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or system used on passenger buses using HCFC-22 refrigerant.

5. The permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR part 82, Subpart G.

### **III.E. Asbestos from Demolition and Renovation** [40 CFR Part 61, Subpart M]

The permittee shall comply with the requirements of Sections 61.140 through 61.157 of the National Emission Standard for Asbestos for all demolition and renovation projects.  
[40 CFR Part 61, Subpart M]

### **III.F. Compliance Schedule** [40 CFR § 71.5(c)(8)(iii) and § 71.6(c)(3)]

1. For applicable requirements with which the source is in compliance, the source will continue to comply with such requirements.
2. For applicable requirements that will become effective during the permit term, the source shall meet such requirements on a timely basis.

## **IV. Title V Administrative Requirements**

### **IV.A. Fee Payment** [40 CFR §71.6(a)(7) and 40 CFR §71.9]

1. The permittee shall pay an annual permit fee in accordance with the procedures outlined below. [See § 71.9(a).]
2. The permittee shall pay the annual permit fee by April 1 of each year.
3. The fee payment shall be in United States currency and shall be paid by money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the order of the U.S. Environmental Protection Agency.
4. The permittee shall send fee payment and a completed fee filing form to

Mellon Bank  
U.S. EPA -- Region 9  
P.O. Box 360863M  
Pittsburgh, PA 15251

5. The permittee shall send an updated fee calculation worksheet form and a photocopy of each fee payment check (or other confirmation of actual fee paid) submitted annually by the same deadline as required for fee payment to the address listed in Section IV.E of this permit. [Permittees should note that an annual emissions report, required at the same time as the fee calculation worksheet by § 71.9(h), has been incorporated into the fee calculation worksheet form as a convenience.]
6. Basis for calculating annual fee:
  - a. The annual emissions fee shall be calculated by multiplying the total tons of actual emissions of all “regulated pollutants (for fee calculation)” emitted from the source by the presumptive emissions fee (in dollars/ton) in effect at the time of calculation.
    - (1) “Actual emissions” means the actual rate of emissions in tpy of any regulated pollutant (for fee calculation) emitted from a part 71 source over the preceding calendar year. Actual emissions shall be calculated using each emissions unit’s actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year. [See § 71.9(c)(6).]
    - (2) Actual emissions shall be computed using methods required by the

permit for determining compliance, such as monitoring or source testing data. [See § 71.9(h)(3).]

- (3) If actual emissions cannot be determined using the compliance methods in the permit, the permittee shall use other federally recognized procedures. § 71.9(e)(2).
  - (4) The term “regulated pollutant (for fee calculation)” is defined in § 71.2.
  - (5) The permittee should note that the presumptive fee amount is revised each calendar year to account for inflation, and it is available from EPA prior to the start of each calendar year.
- b. The permittee shall exclude the following emissions from the calculation of fees:
  - (1) The amount of actual emissions of each regulated pollutant (for fee calculation) that the source emits in excess of 4,000 tons per year. See § 71.9(c)(5)(i);
  - (2) Actual emissions of any regulated pollutant (for fee calculation) already included in the fee calculation, see § 71.9(c)(5)(ii); and
  - (3) The quantity of actual emissions (for fee calculation) of insignificant activities [defined in § 71.5(c)(11)(i)] or of insignificant emissions levels from emissions units identified in the permittee’s application [pursuant to § 71.5(c)(11)(ii)]. [See § 71.9(c)(5)(iii).]
- 7. Fee calculation worksheets shall be certified as to truth, accuracy, and completeness by a responsible official. [Permittees should note that the fee calculation worksheet form already incorporates a section to help you meet this responsibility.]
- 8. The permittee shall retain fee calculation worksheets and other emissions-related data used to determine fee payment for 5 years following submittal of fee payment. Emission-related data include, for example, emissions-related forms provided by EPA and used by the permittee for fee calculation purposes, emissions-related spreadsheets, and emissions-related data, such as records of emissions monitoring data and related support information required to be kept in accordance with § 71.6(a)(3)(ii). [See § 71.9(i).]
- 9. Failure of the permittee to pay fees in a timely manner shall subject the permittee

to assessment of penalties and interest in accordance with § 71.9(l).

10. When notified by EPA of underpayment of fees, the permittee shall remit full payment within 30 days of receipt of notification. [See § 71.9(j)(1) and (2).]
11. A permittee who thinks an EPA assessed fee is in error and who wishes to challenge such fee, shall provide a written explanation of the alleged error to EPA along with full payment of the EPA assessed fee. [See § 71.9(j)(3).]

**IV.B. Blanket Compliance Statement** [40 CFR § 71.6(a)(6)(i) and (ii), and sections 113(a) and 113(e)(1) of the Act, and § 51.212, § 52.12, § 52.33, § 60.11(g), and § 61.12.]

1. The permittee must comply with all conditions of this Part 71 permit. Any permit noncompliance, including, but not limited to, violation of any applicable requirement; any permit term or condition; any fee or filing requirement; any duty to allow or carry out inspection, entry, or monitoring activities; or any regulation or order issued by the permitting authority pursuant to this part constitutes a violation of the Clean Air Act and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [§ 71.6(a)(6)(i) and (ii).]
2. Determinations of deviations, continuous or intermittent compliance status, or violations of this permit, are not limited to the applicable testing or monitoring methods required by the underlying regulations or this permit; other credible evidence (including any evidence admissible under the Federal Rules of Evidence) must be considered in such determinations. [Section 113(a) and 113(e)(1) of the Act, § 51.212, § 52.12, § 52.33, § 60.11(g), and § 61.12.]

**IV.C. Compliance Certifications** [40 CFR § 71.6(c)(5)]

1. The permittee shall submit to EPA Region 9 a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices, postmarked by January 30 of each year and covering the previous calendar year, except that the first certification shall cover the period from the effective date of this permit through December 31, 2001. The compliance certification shall be certified as to truth, accuracy, and completeness by a responsible official consistent with Section IV.E. of this permit. [40 CFR § 71.6(c)(5)]
2. The certification shall include the following:



- a. Identification of each permit term or condition that is the basis of the certification.
- b. Identification of the method(s) or other means used for determining the compliance status of each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data. If necessary, the owner or operator also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the Clean Air Act, which prohibits knowingly making a false certification or omitting material information.
- c. The compliance status of each term and condition of the permit for the period covered by the certification based on the method or means designated above. The certification shall identify each deviation and take it into account in the compliance certification.
- d. Whether compliance with each permit term was continuous or intermittent.

#### **IV.D. Duty to Provide and Supplement Information** [40 CFR §71.6(a)(6)(v), §71.5(b)]

The permittee shall furnish to EPA, within a reasonable time, any information that EPA may request in writing to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to the EPA copies of records that are required to be kept pursuant to the terms of the permit, including information claimed to be confidential. Information claimed to be confidential should be accompanied by a claim of confidentiality according to the provisions of 40 CFR part 2, subpart B. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after this permit is issued.

#### **IV.E. Submissions** [40 CFR §71.5(d), §71.6 and §71.9]

Any document required to be submitted with this permit shall be certified by a responsible official as to truth, accuracy, and completeness. Such certifications shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. All documents required to be submitted, including reports, test data, monitoring data, notifications, compliance certifications, fee calculation worksheets, and applications for renewals and permit modifications shall be submitted to:

EPA Region IX (attn: AIR-1)

75 Hawthorne Street  
San Francisco, CA 94105

**IV.F. Severability Clause** [40 CFR §71.6(a)(5)]

The provisions of this permit are severable, and in the event of any challenge to any portion of this permit, or if any portion is held invalid, the remaining permit conditions shall remain valid and in force.

**IV.G. Permit Actions** [40 CFR §71.6(a)(6)(iii)]

This permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**IV.H Administrative Permit Amendments** [40 CFR § 71.7(d)]

- (a) The permittee may request the use of administrative permit amendment procedures for a permit revision that:
  - (i) Corrects typographical errors.
  - (ii) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source.
  - (iii) Requires more frequent monitoring or reporting by the permittee.
  - (iv) Allows for a change in ownership or operational control of a source where the EPA determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the EPA.
  - (v) Incorporates into the part 71 permit the requirements from preconstruction review permits authorized under an EPA-approved program, provided that such a program meets procedural requirements substantially equivalent to the requirements of §§ 71.7 and 71.8 that would be applicable to the change if it were subject to review as a permit modification, and compliance requirements substantially equivalent to those contained in § 71.6.
  - (vi) Incorporates any other type of change which EPA has determined to be

similar to those listed above in subparagraphs (i) through (v).

#### **IV.I. Minor Permit Modifications [40 CFR § 71.7(e)(1)]**

- (a) The permittee may request the use of minor permit modification procedures only for those modifications that:
  - (i) Do not violate any applicable requirement.
  - (ii) Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit.
  - (iii) Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis.
  - (iv) Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:
    - (1) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of title I; and
    - (2) An alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the Clean Air Act.
  - (v) Are not modifications under any provision of title I of the Clean Air Act.
  - (vi) Are not required to be processed as a significant modification.
- (b) Notwithstanding the list of changes eligible for minor permit modification procedures in paragraph (a) above, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by EPA.
- (c) An application requesting the use of minor permit modification procedures shall meet the requirements of §71.5(c) and shall include the following:
  - (i) A description of the change, the emissions resulting from the change, and

any new applicable requirements that will apply if the change occurs;

- (ii) The source's suggested draft permit;
  - (iii) Certification by a responsible official, consistent with § 71.5(d), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and
  - (iv) Completed forms for the permitting authority to use to notify affected States as required under § 71.8.
- (d) The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions authorized by § 71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.
- (e) The permit shield under § 71.6(f) may not extend to minor permit modifications. [See § 71.7(e)(1)(vi)].

#### **IV.J. Group Processing of Minor Permit Modifications.** [40 CFR § 71.7(e)(2)]

- (a) Group processing of modifications by EPA may be used only for those permit modifications:
  - (i) That meet the criteria for minor permit modification procedures under paragraphs IV.I. (a) of this permit; and
  - (ii) That collectively are below the threshold level of 10 percent of the emissions allowed by the permit for the emissions unit for which the change is requested, 20 percent of the applicable definition of major source in § 71.2, or 5 tons per year, whichever is least.
- (b) An application requesting the use of group processing procedures shall be submitted to EPA, shall meet the requirements of §71.5(c), and shall include the following:
  - (i) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

- (ii) The source's suggested draft permit.
  - (iii) Certification by a responsible official, consistent with §71.5(d), that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used.
  - (iv) A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under subparagraph (a)(ii) above.
  - (vi) Completed forms for the permitting authority to use to notify affected States as required under § 71.8.
- (c) The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions authorized by § 71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.
- (d) The permit shield under § 71.6(f) may not extend to group processing of minor permit modifications. [See § 71.7(e)(1)(vi)].

#### **IV.K. Significant Permit Modifications [40 CFR § 71.7(e)(3)]**

- (a) The permittee must request the use of significant permit modification procedures for those modifications that:
  - (i) Do not qualify as minor permit modifications or as administrative amendments.
  - (ii) Are significant changes in existing monitoring permit terms or conditions.
  - (iii) Are relaxations of reporting or recordkeeping permit terms or conditions.
- (b) Nothing herein shall be construed to preclude the permittee from making changes consistent with part 71 that would render existing permit compliance terms and conditions irrelevant.

- (c) Permittees must meet all requirements of part 71 for applications for significant permit modifications. For the application to be determined complete, the permittee must supply all information that is required by § 71.5(c) for permit issuance and renewal, but only that information that is related to the proposed change. [See § 71.7(e)(3)(ii) and § 71.5(a)(2).]

#### **IV.L. Reopening for Cause** [40 CFR §71.7(f)]

EPA shall reopen and revise the permit prior to expiration under any of the following circumstances:

1. Additional applicable requirements under the Act become applicable to a major part 71 source with a remaining permit term of 3 or more years.
2. Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.
3. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
4. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

#### **IV.M. Property Rights** [40 CFR §71.6(a)(6)(iv)]

This permit does not convey any property rights of any sort, or any exclusive privilege.

#### **IV.N. Inspection and Entry** [40 CFR §71.6(c)(2)]

Upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized representatives from EPA to perform the following:

1. Enter upon the permittee's premises where a Part 71 source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required

under the permit; and

4. As authorized by the Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

#### **IV.O. Emergency Provisions** [40 CFR §71.6(g)]

1. In addition to any emergency or upset provision contained in any applicable requirement, the permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, the permittee shall demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. an emergency occurred and that the permittee can identify the cause(s) of the emergency;
  - b. the permitted facility was at the time being properly operated;
  - c. during the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
  - d. the permittee submitted notice of the emergency to EPA within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. This notice fulfills the requirements of Condition III.C.2 of this permit.
  - e. In any enforcement proceeding the permittee attempting to establish the occurrence of an emergency has the burden of proof.
2. An “emergency” means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

#### **IV.P. Transfer of Ownership or Operation** [40 CFR §71.7(d)(1)(iv)]

A change in ownership or operational control of this facility may be treated as an

administrative permit amendment if the EPA determines no other change in this permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to EPA.

#### **IV.Q. Off Permit Changes** [40 CFR §71.6(a)(12)]

The permittee is allowed to make certain changes without a permit revision, provided that the following requirements are met:

1. Each change is not addressed or prohibited by this permit.
2. Each change must comply with all applicable requirements and may not violate any existing permit term or condition;
3. Changes under this provision may not include changes or activities subject to any requirement under Title IV or that are modifications under any provision of Title I of the Clean Air Act;
4. The permittee must provide contemporaneous written notice to EPA of each change, except for changes that qualify as insignificant activities under §71.5(c)(11). The written notice must describe each change, the date of the change, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change.
5. The permit shield does not apply to changes made under this provision;
6. The permittee must keep a record describing all changes that result in emissions of any regulated air pollutant subject to any applicable requirement not otherwise regulated under this permit, and the emissions resulting from those changes.

#### **IV.R. Permit Expiration and Renewal** [40 CFR §71.5(a)(1)(iii), §71.6(a)(11), §71.7(b), §71.7(c)(1)(i) and (ii), §71.8(d)]

1. This permit shall expire upon the earlier occurrence of the following events:
  - a. up to twelve (12) years elapses from the date of issuance to a solid waste incineration unit combusting municipal waste subject to standards under section 129 of the Clean Air Act; or
  - b. for sources other than those identified in subparagraph IV.N.1.a above, five (5) years elapses from the date of issuance; or
  - c. the source is issued a part 70 permit by an EPA-approved permitting authority.



2. Expiration of this permit terminates the permittee's right to operate unless a timely and complete permit renewal application has been submitted on or before a date 6 months, but not more than 18 months, prior to the date of expiration of this permit.
3. If the permittee submits a timely and complete permit application for renewal, consistent with § 71.5(a)(2), but the permitting authority has failed to issue or deny the renewal permit, then the permit shall not expire until the renewal permit has been issued or denied and any permit shield granted pursuant to § 71.6(f) may extend beyond the original permit term until renewal.
4. The permittee's failure to have a Part 71 permit is not a violation of this part until EPA takes final action on the permit renewal application. This protection shall cease to apply if, subsequent to the completeness determination, the permittee fails to submit any additional information identified as being needed to process the application by the deadline specified in writing by EPA.
5. Renewal of this permit is subject to the same procedural requirements that apply to initial permit issuance, including those for public participation, affected State, and tribal review.
6. The application for renewal shall include the current permit number, description of permit revisions and off-permit changes that occurred during the permit term, any applicable requirements that were promulgated and not incorporated into the permit during the permit term, and other information required by the application form.

## Attachment A

### U.S. EPA Phase II Acid Rain Permit